



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT  
LANSING




REBECCA A. HUMPHRIES  
DIRECTOR

### **Suspension of the Inert Material Exemption**

In accordance with the provisions of Section 11507 of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the rules promulgated under Part 115, specifically R 299.4119, "The approval of site and source separated materials not listed in the act," the Inert Material Exemption that was issued on September 23, 2010, for construction brick, masonry, asphalt pavement (which includes asphalt grindings), and broken concrete (which includes crushed concrete) as specified in R 299.4114(2)(d) is suspended until further notice by the authorized representative of the Director of the Michigan Department of Natural Resources and Environment (DNRE).

The DNRE will reevaluate the Inert Material Exemption after the completion of the administrative rules promulgation process for the proposed amendments to the provisions of the Part 115 Rules (State Office of Administrative Hearings and Rules Number 2008-028NE). Any questions related to this suspension should be directed to Duane Roskoskey, Solid Waste and Land Application Section, Environmental Resource Management Division, at 517-335-4712; [roskoskeyd@michigan.gov](mailto:roskoskeyd@michigan.gov); or DNRE, P.O. Box 30241, Lansing, Michigan 48909-7741; or you may contact me.

STATE OF MICHIGAN  
Department of Natural Resources and Environment

By:   
Steven R. Sliver, Chief  
Solid Waste and Land Application Section  
Environmental Resource Management Division  
517-373-1976

Dated: 10/27/2010



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## INERT MATERIAL EXEMPTION

In accordance with the provisions of Section 11507 of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and the rules promulgated under Part 115, specifically R 299.4119, construction brick, masonry, asphalt pavement (which includes asphalt grindings), and broken concrete (which includes crushed concrete) (Material) as specified in R 299.4114 (2)(d) when stored prior to reuse, is granted a site/source-separated exemption by the authorized representative of the Director of the Michigan Department of Natural Resources and Environment (DNRE).

This exemption is subject to the following conditions:

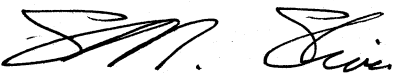
1. The storage, processing, or use of the Material shall not cause a release that creates a facility as defined by Part 201, Environmental Remediation, of the NREPA.
2. The Material shall not be stored in a manner constituting speculative accumulation per R 299.4119. This requires that for a period of over 3 years, the amount of Material that is used or that is transferred to a different site for use equals not less than 75 percent, by weight or volume, of the amount of Material that was accumulated at the beginning of the period. The owner/operator of a site must keep sufficient records to demonstrate compliance with this condition.
3. This approval shall immediately become void for any of the following reasons:
  - a. The conditions of this approval are violated.
  - b. Additional information demonstrates that the processing, use, or storage of the Material is causing environmental contamination.
  - c. New state or federal regulations are promulgated that would cause this approval to become invalid.

Since the Material has been designated a site/source-separated material it is not a solid waste and any facility that processes the Material will not require a processing plant license pursuant to Part 115 provided they operate in compliance with the conditions contained in this approval.

This approval does not alleviate the need for the owner/operator of a site from complying with local ordinances. Violation of the conditions of this approval is subject

to the enforcement provisions of Part 115 of the NREPA, or other applicable state and federal laws/statutes.

STATE OF MICHIGAN  
Department of Natural Resources and Environment

By:   
Steven R. Sliver, Chief  
Solid Waste and Land Application Section  
Environmental Resource Management Division

Dated: 9/23/2010